

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
BEAUMONT DIVISION

BARTHOLOMEW GRANGER,	§	
Petitioner,	§	
	§	
v.	§	Civil Action No. 1:17-CV-291
	§	
LORIE DAVIS, Director,	§	(Death Penalty Case)
Texas Department of Criminal	§	
Justice, Correctional Institutions	§	
Division,	§	
Respondent.	§	

**JOINT MOTION FOR PROPOSED SCHEDULING ORDER**

This is a habeas corpus case brought by Bartholomew Granger, a Texas inmate sentenced to death, under 28 U.S.C. § 2254. On December 17, 2018, petitioner filed his amended petition for writ of habeas corpus. ECF No. 20. On February 13, 2019, petitioner filed a motion to stay and hold in abeyance his federal proceedings so that he could return to state court exhaust his previously unexhausted claims. ECF No. 22. On September 23, 2019, this Court granted petitioner's motion for a stay and abeyance. ECF No. 34. On March 23, 2020, petitioner filed in this Court a status report and advisory that the Texas Court of Criminal Appeals dismissed his subsequent state application for writ of habeas corpus on February 26, 2020. ECF No. 38. Thus, counsel for the Petitioner and Respondent respectfully request this Court lift the current stay, return this case to the active docket, and enter an order setting the schedule as follows:

1. Petitioner shall file a Second Amended Petition for Writ of Habeas Corpus within sixty days of the entry of this Scheduling Order.<sup>1</sup>
2. Respondent shall file an answer within sixty days of the filing of the Second Amended Petition.
3. Petitioner, if he then chooses, shall file a reply brief within thirty days after the Respondent files her answer.

Respondent's agreement to this Joint Proposed Order is neither an explicit nor implicit waiver of any defense, nor is it an agreement that the present petition is filed within the applicable limitations period, that any evidence attached to the present petition is or will be properly before the Court, and/or that the present petition is or will not be second or successive. Respondent reserves the right to raise any defense or argument, including but not limited to those described in Rule 5 of the Rules Governing Section 2254 Cases, or those found in 28 U.S.C. §§ 2241, 2244, 2254, with respect to the present petition and any claim and/or evidence attached or raised therein.

Respectfully submitted,

KEN PAXTON  
Attorney General of Texas

JEFFREY C. MATEER  
First Assistant Attorney General

MARK PENLEY  
Deputy Attorney General for  
Criminal Justice

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<sup>1</sup> Petitioner does not seek leave to file new claims or extend his one-year statute of limitations under 28 U.S.C. § 2244(d) by filing an Amended Petition.

EDWARD L. MARSHALL  
Chief, Criminal Appeals Division

\*Lead Counsel

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### **CERTIFICATE OF SERVICE**

We do hereby certify that on March 27, 2020, the forgoing pleading was electronically filed with the Clerk of the Court for the United States District Court, Eastern District of Texas, using the electronic case-filing system of the Court. The electronic case-filing system sent a “Notice of Electronic Filing” to the counsels of record listed above, who consented in writing to accept the Notice as service of this document by electronic means:

/s/ Gwendolyn S. Vindell  
GWENDOLYN S. VINDELL  
Assistant Attorney General

/s/ Peter Walker  
PETER WALKER  
Assistant Federal Defender